

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Robert Frost, Jr., #301382,)	C/A No. 5:11-2520-JFA-KDW
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
South Carolina Dept. of Correction,)	
Director Bill Byers, Levern Cohen,)	
Warden, Ms. Montouth, I.G.C.,)	
Captain Best, in their individual and)	
official capacity,)	
)	
Defendants.)	

Plaintiff, proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. This matter is before the court on Plaintiff's Supplemental Motion to Compel Discovery filed on March 19, 2013. ECF No. 106. Defendants filed an opposition to Plaintiff's Motion on April 5, 2013. ECF No. 107. Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1), and Local Rule 73.02(B)(2)(d), D.S.C., the undersigned magistrate judge is authorized to review all pretrial matters in prisoner petitions filed under 42 U.S.C. § 1983.

On March 6, 2013 this court entered an order granting Plaintiff's Motion to Reconsider this court's previous order staying pending discovery. ECF No. 102. After reviewing Plaintiff's outstanding discovery requests, the court identified specific requests that were to be answered by Defendants, and Defendants were given 30 days to provide Plaintiff with a response. ECF No. 102. Plaintiff now files this supplemental motion to compel asking the court to order the Defendants to respond to Plaintiff's Interrogatories Numbers 54 and 55 and Plaintiff's Request for Production Number 8. ECF No. 106 at 2. These discovery requests address the Defendants' receipt of federal funds. *See* ECF No. 94 at 7, 9. Plaintiff contends that this information is

relevant to his claims because SCDC receives enough federal money to hire Muslim clergy to work at every SCDC institution. ECF No. 106 at 2. Plaintiff also argues that the receipt of federal funds “waives [SCDC’s] sovereign immunity.” *Id.* Defendants object to these discovery requests arguing that SCDC’s receipt of federal funds is irrelevant to Plaintiff’s RLUIPA claims because the RLUIPA “does not authorize money damages against SCDC and the individually-named Defendants in their official or individual capacities.” ECF No. 107 at 1. Defendants also argue that SCDC’s receipt of federal funds is irrelevant to Plaintiff’s claims regarding the hiring of Muslim clergy because this claim is barred for failure to exhaust and “SCDC is not required to provide inmates with a clergy person of their choice.” *Id.* at 2.

The court has reviewed Plaintiff’s arguments in support of his Supplemental Motion to Compel and finds that these arguments do not warrant any adjustment to the court’s March 6, 2013 order. As such, Plaintiff’s Supplemental Motion to Compel Discovery, ECF No. 106, is hereby denied.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent and the last name "West" following it.

April 10, 2013
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge